

**CALIFORNIA COUNCIL ON CRIMINAL JUSTICE
JUNE 25, 2008
OFFICE OF EMERGENCY SERVICES**

Meeting Minutes

I. CALL TO ORDER

Meeting was called to order by Chair, District Attorney Jan Scully, at 9:05 a.m.

II. WELCOME AND OPENING REMARKS

Welcome and opening remarks were given by Chair Scully. Introductions were made.

III. ROLL CALL

Members present:

Jan Scully
Luis R. Vargas
Barbara Shaver
M. Reza Karkia
Lester Pincu
Sue Frauens for Rockard Delgadillo
Richard Rimmer for Matthew Cate
Harriet Salarno
George Rios
Joseph Alioto Veronese
June Clark for William C. Vickrey
Jim Mc Laughlin for Joe Farrow
Donald Ayoob for Michael J. Hersek
Henry Aguilar
Paul Figueroa
Jacob Appelsmith for George Anderson
Edward Bonner
Ricardo Sanchez
Lance Ito
Jerry Lenthall

Yuri Vanetik
Carlos Bustamante

Members excused:

Walter Allen
Richard Oules
James Panetta
Senator Gloria Romero
Jerry Powers

Members Not Excused:

Jeffrey Prang
Bernard Warner

OES Staff Present:

Scott Frizzie
Dave Zocchetti
Linda MacRae
Gina Buccieri-Harrington
Gwen Durling

Sherril Scott
Amanda Mesa
Brenda Metzger
Carrilynn Landman
Josette Weaver

IV. REVIEW AND APPROVAL OF MEETING MINUTES

Section XII, line 5, the word *designees* needs to be changed to *appointees*. On the roll call list, June Clark is changed to June Clark for William C. Vickrey. Roll call will be listed as Excused and Not Excused. No other abstentions or exceptions were made.

MOTION - Motion was made by Chair Scully to approve the minutes. Seconded by Dr. Pincu.

Motion carried.

V. STATUS UPDATES

AB 38

Dave Zocchetti spoke regarding the status of AB 38, the merging of the Governor's Office of Emergency Services and Office of Homeland Security. Dr. Pincu asked if AB 38 would have any affects on the Council and was told no. The only change would be the name of the new agency and possible political ramifications.

CALGRIP

Gina Buccieri-Harrington spoke regarding the CalGRIP Program and stated that 32 applications have been received. She also stated that CalGRIP may get the same funding for the 2008/09 fiscal year that they received in the 2007/08 fiscal year, but that they cannot send out the RFP until the state budget is signed. Dr. Pincu asked if the Council should have input on the selection of the recipients and Scott Frizzie stated that the Council is involved in the appeals process so it cannot be involved in the selection process. Chair Scully issued a mea culpa in regard to the Council providing California Courts Protective Order Registry Program (CPORP) funding to Administration of the Courts. Chair Scully asked Gwen Durling to explain the function of the Council when it comes to selection. The Council approves the use of the funds for the program. Notice of available funds for a specific program goes out to the state so all interested parties can apply for funding based on programmatic requirements and have their proposal rated for selection. The Council does not usually select applicants for funding.

JAG FUNDING

Gwen Durling stated that JAG funding will not increase for 2008/09 fiscal year

ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Gwen Durling stated that OES has been working with CalCASA and DOJ to determine if any changes to the California criminal justice system would be necessary to comply with the Adam Walsh Act.

VI. DISTRIBUTION OF MATERIALS

Copies of the 1986 *State Task Force on Gangs and Drugs* and the 1984 *State Task Force on Youth Gang Violence* reports that the Council requested at the April 9, 2008 meeting were distributed to the Council.

SB 1453

Sue Frauens asked if SB 1453 was being funded at a significant level and Rick Rimmer answered that in-prison drug treatment and aftercare is part of the existing budget.

VII. PRESENTATION ON CDCR PROGRAMS – WHAT WORKS

Steven F. Chapman, Ph.D., Assistant Director, Office of Research, California Department of Corrections and Rehabilitation presented on *An Evidence-Based Approach And Practice*. The Council asked Dr. Chapman for some follow-up documentation and he agreed to forward them to the Council. Dr. Karkia asked that the Mobley report be sent to Dr. Chapman. Dr. Karkia also asked that the former Mandatory Drug Treatment Taskforce, which included Donald Ayoob, Dr. Karkia and Judge Lance Ito, be reinstated to include Dr. Chapman. Jerry Lenthall wants “CDCR Vision” to be integrated into the new pilot facilities. Dr. Chapman stated that it already has been started and Rick Rimmer agreed. Jerry Lenthall asked why it was not known to him at the county level and suggested that information would be great public relations.

VIII. PRESENTATION ON THE NON-VIOLENT OFFENDER REHABILITATION ACT OF 2008 (NORA)

The Honorable Stephen V. Manley presented on NORA. He stated that his remarks are all personal and that he is opposed to Proposition 36 and NORA. Judge Manley also stated that with NORA, money cannot be spent on the mentally ill or drug testing and that there would be no accountability without drug testing. The costs to the state will be \$1 billion dollars with 20% going to the courts. Harriet Salarno asked who was funding NORA and was told George Soros. Judge Manley provided the Council his contact information. Dr. Karkia gave the scenario that if he were a 22 year old, first-time offender, what would happen to his job future? Judge Manley stated that he could go through a diversion program and his record be wiped away. Dr. Pincu agreed as a member who supports drug treatment and asked why NORA is so heavily funded. Judge Manley stated that it is being treated as a social problem as opposed to a criminal justice program.

After the presentation ended and Judge Manley exited, Dr. Pincu asked if the Council should discuss NORA and Harriet Salarno asked what the Council could do. Chair Scully stated that Ed Bonner and Jerry Powers do not support NORA and that the Sacramento District Attorney’s Office may take a stand against it also. Drug treatment proponents believe in accountability and without drug testing accountability is missing in NORA. She also stated that the Council may want to invite proponents of NORA and agendize the issue. Harriet Salarno asked if this would come under the duties of the Legislative Committee. Linda MacRae stated that OES staff can’t be involved in this decision due to the link to the Governor’s Office. June Clark stated that State General Funds can’t be used to decide state ballot measures and that OES may need to research that point. Judge Lance Ito asked what Penal Code stated what OES and the Council can do. Chair Scully then asked to have the topic agendized for the next meeting due to Badgley-Keene rules and for the Legislative Committee to have a working meeting and give a recommendation at the September meeting with pros and cons of NORA. Jerry Lenthall asked for a recommendation to pass on to state level colleagues with a consistency of purpose message. Chair

Scully asked to move on the subject now instead of the Council passing on it. June Clark thought the Council's purpose was to make recommendations to the Governor as to what to act on and asked what funds he uses to support issues like this. Chair Scully stated that he uses State General Funds. She also stated that Proposition 66, for example, had Governor input and opposition and that the Council needs to have input for the Governor or what good is the Council? Joseph Veronese asked what DOJ's position is on NORA and Jacob Appelsmith stated that he would find out. Dr. Karkia seconded having a supporter of NORA come to speak at the next meeting. Chair Scully assigned the issue to the Legislative Committee as to not take up another entire meeting before the November elections. Jerry Lenthall stated that this was a perfect subject for the Legislative Committee to meet on and present to the Council. Donald Ayoob asked that a recommendation be made but not a public announcement. Chair Scully then stated that the Council was a public body so it would be a limited public record. Chair Scully then referred the matter to the Legislative Committee.

XI. NOMINATIONS FOR COUNCIL VICE-CHAIR

Hank Aguilar asked if designees could be Vice-Chair, such as Sue Frauens? Linda MacRae stated that Sue could not be Vice-Chair. Dr. Karkia asked for clarification as to why. Brenda Metzger then stated that only four Council members can have designees. Penal Code §13810, subset A, was mentioned in relation to the subject.

Chair Scully then listed the members of the Appeals Committee, Policy & Goals Committee and the Legislative Committee which will be emailed to the Council members.

On the Tab 7 handout, the Committee descriptions were "tweaked" and the updated information is in red. June Clark stated that the Legislative Committee description needs to be expanded. Chair Scully asked that the Legislative Committee meet via email to decide on the new description. It was also asked that there be a new Tab in the agenda called "Action Items". It was also asked that any new topics be introduced just before the public comments at the end of the meeting. The Council wants to be sure that everyone is able to express their views and be accepting of other's opinions.

XII. WORKGROUP UPDATES

BYLAW COMMITTEE

Dr. Pincu stated there was a change to Penal Code §13811 and that they missed the cutoff by one day in order to submit the new change. He also stated that the Bylaws are now out of compliance but that OES' legal department and the Bylaw Committee signed off on it.

DNA SUBCOMMITTEE

Sue Frauens wants a telephonic meeting with the DNA subcommittee and to add Paul Figueroa to the subcommittee. On the DNA Summit, she stated that there was an overwhelming crowd and that the panelists were cutting-edge and out-of-the-box thinkers. She also stated that there were victim's rights groups and many other groups/agencies that attended the Summit. She also announced that the Attorney

General's Office is starting familial matches. The current members of the DNA subcommittee are Sue Frauens, Rick Sanchez, Jacob Appelsmith, Paul Figueroa as Co-Chair and Jim McLaughlin. Sue Frauens has requested a list of the new DNA subcommittee members.

XII. MANDATORY DRUG TREATMENT FOR THE INCARCERATED

Dr. Karkia provided a presentation on mandatory drug treatment programs for the incarcerated and stated that keeping addicts clean is a matter of survival. He mentioned numerous statistics which are listed in the agenda under Tab 6. Chair Scully asked if the Resolution, under Tab 6A, was proposed to the Council and Donald Ayoob stated that he didn't think so. Dr. Karkia stated that due to the regime change, he feels that further study needs to be done. Chair Scully asked how many current members were members in 2002 and saw that less than 50% were and stated to adopt the Resolution that more information was needed and asked for comments. Rick Rimmer stated that there is only one CRC (Norco) in California and that the Governor wouldn't need to intervene because it is at the court level to implement Civil Addicts Program. Sue Frauens asked what the impact of Spier's SB 1453 is to this Resolution. Dr. Karkia referred to Linda MacRae who had no direct knowledge of SB 1453, in-prison drug treatment. Donald Ayoob linked the relevance of the Resolution study to Dr. Chapman's current presentation and wonders if the Council can move something further. Dr. Pincu stated that he was skeptical. Jim McLaughlin asked why the Council was "dusting off" this Resolution if it was not supporting a Budget Change Proposal (BCP) or the same and if it was relevant now? Dr. Karkia answered that the Resolution relevance was a testament to how slow government moves and that the statistics presented may actually be the same or worse now. He also stated that he didn't necessarily want this Resolution to go through but wants the 37 expert Council members to discuss the topic and possibly work with Dr. Chapman. Chair Scully asked Rick Rimmer to speak on drug treatment not only as a Council member but as Commissioner. Rick Rimmer stated that treatment was sustained in county jails and asked but how do you manage re-entry without treatment before release? Chair Scully suggested a "project" to determine potential problems to AB 900. Dr. Karkia stated he felt since 2002 there has been nothing tangible to show for the Council's work. Sue Frauens stated that, in regard to SB 1453, she would like a copy of the Joint Legislative Budget Committee (JLBC) report to review. Paul Figueroa suggested that the subject be referred to the Policy & Goals Committee.

Chair Scully asked for subjects that could be tackled and completed by the Council. Dr. Pincu stated that three meetings ago he recommended the subject of sex registration. Chair Scully stated that she needs a subject that can be agreed upon and completed. Dr. Pincu then said to drop the sex subject. Chair Scully asked to go macro not micro and pick a subject that would more broadly impact the community and/or the system. The subject of NORA was mentioned. Harriet Salarno stated that it can be completed and deals with the Legislature. Scott Frizzie stated that the meeting scheduled for September 24th, 2008 may have to be postponed if the Governor's Budget has not been signed yet.

MOTION – Motion to adjourn by Jerry Lenthall at 2:32 p.m. Seconded by majority.
Motion carried.

Standing Sub-Committees:

Appeals Committee

Richard Oules - Chair
Jerry Powers – Co-chair
Honorable Lance Ito
Ricardo C. Sanchez
Dr. Barbara Shaver
Jan Scully
George Rios
Honorable Luis R. Vargas
Dr. M. Reza Karkia
Yuri Vanetik
Jim McLaughlin

Legislative Committee

June Clark - Chair
Sue L. Frauens
Paul Figueroa
Jerry Powers
Harriet Salarno
Ricardo C. Sanchez
Honorable Lance Ito

Policy & Goals Committee

Edward Bonner - Chair
Donald J. Ayoob – Co-chair
Honorable Lance Ito,
Walt Allen III
George Anderson
Dr. M. Reza Karkia
Yuri Vanetik
Richard Rimmer
George Rios
Dr. Lester Pincu
Dr. Barbara Shaver